

Notice of Allowability

Application No.

09/784,330

Applicant(s)

CANALI ET AL.

Examiner

Art Unit

Frantzy Poinvil

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/31/2006.
2. ☒ The allowed claim(s) is/are 1, 6, 8, 12, 14-22, 25-31, 70-74, 76, 103-107, 109, 130-151.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7/10/11.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

FRANTZY POINVIL
PRIMARY EXAMINER

AK 3628

DETAILED ACTION

Allowable Subject Matter

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 3, 4, 32-61, 64, 77-94, 97 and 110-129 have been canceled.

As per claim 18, line 15, "an" before "auction" has been changed to - -said- -.

Also on line 16, "an" before "auction" has been changed to - -said- -.

Authorization for this examiner's amendment was given in a telephone interview with Juliana Haydoutova on July 10, 2006.

2. The following is an examiner's statement of reasons for allowance:

The prior art taken alone or in combination failed to teach or suggest in an Auction method, ranking bids and automatically initiating a re-bid for each lagging bid, the re-bid initiation including comparing each leading bid with a pre-set limit for the sender of the lagging bid wherein the result of the auction is based on a match between the request for the item and at least one of the first bid and the second bid, the match including at least one of an exact match between the request for the item and at least one of the first bid and the second bid and at

least one of the first bid and the second bid satisfying the request for the item as recited in independent claim 1.

The prior art taken alone or in combination failed to teach or suggest ranking bids and automatically initiating a re-bid for each lagging bid, the re-bid initiation including comparing each leading bid with a pre-set limit for the sender of the lagging bid and determining a first result of the auction based on the request for the item and the first bid, a second result of the auction based on the request for the item and the second bid and a third result of the auction based on the first result and the second result as recited in independent claim 18.

The prior art taken alone or in combination failed to teach or suggest an apparatus for performing an auction and being configured to rank first and second bids and to automatically initiate a re-bid for each lagging bid, the re-bid initiation including comparing each leading bid with a pre-set limit for the sender of the lagging bid and determine a first result of the auction based on the request for the item and the first bid, a second result of the auction based on the request for the item and the second bid and a third result of an auction based on the first result and the second result as recited in independent claim 70.

The prior art taken alone or in combination failed to teach or suggest ranking first and second bids and automatically initiating a re-bid for each lagging bid, the re-bid initiation including comparing each leading bid with a pre-set limit for the sender of the lagging bid and determining a first result of the auction based on the request for the item and the first bid, a second result of the auction based on the request for the item and the second bid and a third result of the auction based on the first result and the second result as recited in independent claim 103.

The prior art taken alone or in combination failed to teach or suggest ranking each bid and automatically initiating a re-bid for each lagging response, the re-bid initiation including comparing each leading response with a pre-set limit for the sender of the lagging response as recited in independent claims 130 and 137.

The prior art taken alone or in combination failed to teach or suggest ranking means for ranking each response and initiating means for initiating a re-bid for each lagging response, the initiating means including comparison means for comparing each leading response with a pre-set limit for the sender of the lagging response as recited in independent claims 139 and 144.

The prior art taken alone or in combination failed to teach or suggest computer readable program means for ranking each response of a bid and computer readable program code means for automatically initiating a re-bid for each lagging response, the initiating means including comparison means for comparing each leading response with a pre-set limit for the sender of the lagging response as recited in independent claims 146 and 147.

Computerworld, Framingham: June 27, 1994, Washington Telecom News, v2, n26, pN/A (Dialog File 16, Accession No. 03435210).

Barzilai et al (US Patent No. 6,012,045) discloses a computer based electronic bid, auction and sale system.

Silverman et al (EPA 0 407 026 A2) disclose a distributed system and method for matching of buyers and sellers.

Rackson et al (US Patent No. 6,415,270) disclose a multiple auction coordination method and system.

Washington Telecom News, Barzilai et al, Silverman et al and Rackson et al taken alone or in combination failed to teach or suggest the above noted features as recited in independent claims 1, 18, 70, 103, 130, 137, 139, 144, 146 and 150.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
July 9, 2006